

Minutes of a Regular Board Meeting held by the Town Board of the Town of Riverhead held in the Town Hall, Riverhead, New York on Tuesday, May 1, 1990 at 7:30 p.m.

**Present:** Joseph F. Janoski, Supervisor  
John Lombardi, Councilman  
Denise Civiletti, Councilwoman  
Victor Prusinowski, Councilman  
James Stark, Councilman

**Also Present:** Patricia Moore, Town Attorney  
Irene J. Pendzick, Town Clerk

Supervisor Janoski called the meeting to order at 7:30 p.m. and the Pledge of Allegiance was recited .

**Supervisor Janoski:** "May I have a motion to approve the Board Meeting Minutes of April 3, 1990.

So moved, by Councilwoman Civiletti and seconded by Councilman Lombardi.

**Supervisor Janoski:** "Moved and seconded."

The vote: Prusinowski, no; Stark, no; Civiletti, yes, Lombardi, yes, Janoski, no.

**Supervisor Janoski:** " Reports."

**Town Clerk, Irene Pendzick:** "Well, we just don't approve them, we've got to correct them."

**Councilman Vic Prusinowski:** "We've got to correct them."

**Supervisor Janoski:** "Well we will work on them."

**Town Clerk, Irene Pendzick:** "The usual procedure is to insert the corrections. Under reports."

**Supervisor Janoski:** "Irene when you stop being the Town Clerk, I will stop being the Supervisor."

**Town Clerk, Irene Pendzick:** "Do you want reports, Mr. Supervisor?"

**Supervisor Janoski:** "Yes I would Irene. I would like less comments from the Town Clerk about conducting this meeting so if you would proceed with the reports I would be very happy."

REPORTS

Tax Receiver-Collections as of April 30, 1990  
(\$21,950,368.45) Filed

Open Bid Reports-Water Service Materials  
See Water Minutes) Filed

Open Bid Report-Baiting Hollow Cottage Water  
Extension (See Water Minutes)) Filed

Open Bid Report - Mini Van/Parking Meter Officer Filed

Bid Date: May 4, 1990  
3 Bids Submitted

#1. NAME: Sayville Ford  
ADDRESS: Bohemia, NY 11716  
TOTAL BID: \$11,490.00

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#2. NAME: Buzz Chew Chevrolet-Olds.  
ADDRESS: East Hampton, NY 11937  
TOTAL BID: \$14,777.00

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#3. NAME: Riverhead Dodge, Inc.  
ADDRESS: Riverhead, NY 11901  
TOTAL BID: \$12,362.35

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C.A.C.-Minutes of 4/19/90 Meeting Filed

D.E.I.S.-Lizem Associates Industrial and Commercial Park  
Type I Action/Rte. 25 & Fresh Pond Filed

N.Y.S.-Notice of Complete Application re: sand and gravel  
mining adjacent to landfill. Filed

APPLICATIONS;

Exhibition Permit-East End Arts & Humanities for Festival at  
Peconic Parking Lot on 6/30/90 Filed

Site Plan-John Munzel to install parking area on Roanoke Avenue & 5th Street. Filed

Site Plan-Metro Service Station to improve facility at Main Road and South Jamesport Avenue. Filed

Exhibition Permit-Julianne Zadel for open air wedding. Filed

Change of Zone-Roanoke Link, Inc. From Open Space Conservation to Recreation for a golf course. Filed

Special Permit-James Woodhull to replace mobile home on Delores & Harrison Avenue. Filed

Parade Permit-Combined Veterans Committee, 5/28/90 Filed

**CORRESPONDENCE:**

S.C. Dept. of Plan. 4/17/90	If no objection received re: Brookhaven and Southold Code Amendments, it will be assumed there are none Filed
East Hampton Town	Baymens Assoc. stating opposition to ordinances which affect harvest- ing migratory fish Filed
Katherine Pope	Expressing appreciation to Council- man Lombardi for his efforts in behalf of Harold & Marion Wright Filed
Peter Danowski	Requesting notice of public hearing pursuant to Town Code re: Chester- field Estate application Filed
Malcolm Pirnie	Proposal for services for temporary chlorine tank system Filed
Philip Hoffman	Complaint concerning his exorbitant water usage bill Filed
H2M	Annual Water Supply Statement. Filed

**Supervisor Janoski:** "Thank you. The time for the first public hearing has not yet arrived. We will recognize anyone who wishes to be heard on any subject. Steve."

Steve Haizlip, Calverton: "I have an editorial here from the Suffolk Life about the Public Service and Utility Chairman of Steel Sweethearts. There is no sense in reading this now, but I'm going to give you a brief of what it is. Bob Abrams, the Attorney General of this State, exposed our Public Chairman Commissioner, Mr. Peter Bradford. So I picked up on it and I saved it purposely. I wrote a letter to Mr. Bradford telling him that I was surprised that he was going into a secret deal and it took Mr. Abrams to expose him and then he backed down and he didn't authorize the 445 million dollar increase. In reply to my letter he hasn't said one thing whatsoever of my criticism towards him, as a chairman going into a secret deal, as Willmott expressed in his paper and I just said the same thing. Upon getting a letter back from Mr. Frank Robinson, an Administrative Law Judge, he's got to do the dirty work for Mr. Bradford. A law judge has to wait for the evidence and the hearing before he makes any decisions or write any statements. As far as I'm concerned, the letter is out of order, it didn't come from Mr. Bradford or one of his commissioners. He said the company has filed it's first major rate hike in five years and commission was ordered and now he goes on to say, "thank you for expressing your concerns, your communication will be made part of the official case records available for the commission review." I don't see how they can take a criticism letter of his action, going into a secret deal with the Telephone Company and then put that in a file for review. As far as I'm concerned, these politicians up there are spending our money. It's just not, what you say "manning the roost right." They're letting the little chickens do just what they want to. Mr. Hochbrueckner, our Congressman, has put a report out and I guess a lot of people have seen it about all the things that he has done and the people that he has helped. Well I think that I'm the next one to go into that record because I've been retired 90 days, 3 months, and I was promised a Medicare B Card within six to eight weeks and I'm five weeks overdue already. I'm fighting tooth and nail, cats and dogs and after 55 years of working, this is the treatment you get from Social Security and our government. I'm not even on the computer yet. I had better not have to go to the hospital or fall out here in the street or get in an accident, because they will throw me out of the hospital and call me a bum. Because I've got no money or insurance. Thanks Joe for giving me the privilege. You're the only guy that I know, that has ever allowed citizens to get up and express their opinions, whether they are politicians or whoever they are."

Supervisor Janoski: "Thank you Steve."

Councilman Lombardi: "Joe, is it alright to let him know that we got that speed limit (inaudible)."

Supervisor Janoski: "Oh, yes sure."

Councilman Lombardi: "Steve, you were checking on that 55 mile per hour limit on Route 25. The State sent us a notice."

Steve Haizlip: "Thanks for calling me back John. I had that in mind. We do have correspondence from them?"

Councilman Lombardi: "Right, we've got correspondence and they are going to continue with the 55 miles per hour."

Steve Haizlip: "At least we've got an answer now. Thank you."

Councilman Lombardi: "I'll give you a copy of this, if you want it."

Supervisor Janoski: "Let the record show that the hour of 7:46 P.M. has arrived and the Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 7:45 p.m.

I have affidavits of publishing and posting of a public hearing to be held at Riverhead Town Hall on Tuesday, May 1, 1990 at 7:45 P.M. to hear all interested persons who wish to be heard regarding the Extension 43 to the Riverhead Water District/Splish Splash at Adventure Island.

(See Water District Minutes)

7:45 PUBLIC HEARING CLOSED AT 7:19

Supervisor Janoski, "I'll reopen the meeting to any comment and any subject on anything contained in the agenda. Yes, George."

George Schmelzer: "Did Mr. Jorleen come down here and see you as was in the newspapers?"

Supervisor Janoski: "George you know that he did not come down."

George Schmelzer: "I don't know, I heard nothing. If he didn't come, he must be afraid of you."

Supervisor Janoski: "George now you were on the telephone with a member of this government this very afternoon and you were told that Mr. Jorleen did not appear."

George Schmelzer: "I wanted the people to know."

Supervisor Janoski: "They will read about it in the papers, probably tomorrow or Thursday."

George Schmelzer: "Did you scare him off or something?"

Supervisor Janoski: "I did not scare him off. As a matter of fact I was quite discouraged that he did not appear because we

thought that this conflict might be coming to a close with this personal visit to the Town of Riverhead concerning the Peconic River and the Wild, Scenic and Recreation Rivers Act."

George Schmelzer: "This gives the Board a good chance to revise their motion where the control area should be. It was backed up in the bay, Peconic Avenue. Now is your chance to back it up to Calverton somewhere the railroad crosses the river. That's a good location. Now you have a good opportunity for that, before he comes down again. Why not do that?"

Supervisor Janoski: "The position which the Town presently holds, which is from Nugent Drive down Route 25 to basically the Riverhead Town Hamlet line, was arrived at by consensus by a vote of the Town Board. It is entirely possible that this present Town Board might want to revise the position of the Town. Quite frankly there were a number of us on the previous Board which held a more conservative position, more in line with your thinking. But, we had to arrive at something that we could agree to unanimously and that's what was agreed to."

George Schmelzer: "You can agree with whom? In a friendly way. Agree with whom, the D.E.C.?"

Supervisor Janoski: "No, no. The members of the Board developed a consensus opinion. Something that could be unanimously supported so that we spoke as one in our dealing with the D.E.C. on this matter. This is, you're right, a new Town Board with new members and it is entirely possible that the membership may want to adjust it's position. And quite frankly, George, I find myself more in agreement with you, in your position. I believe Councilman Lombardi held a very similar position, but we had to arrive at a position which was reasonable and something that we thought that we could achieve."

George Schmelzer: "It's quite reasonable, it's over reasonable. It's sort of sheepish, what's going on now."

Supervisor Janoski: "Well, George, what we are trying to do is trying to get the D.E.C. to make it's decision. Once that is done there is very high likelihood that the Town of Riverhead will then sue the D.E.C."

George Schmelzer: "If you make a decision locked into your present resolution, we're stuck. Change the resolution before he comes down here again. You've got a good chance. This is the end of April, four months of the year are gone and you must have had eight meetings already. I hope we don't have another eight meetings before you make up your minds."

Supervisor Janoski: "From what I am hearing, the information that I am receiving, the position of the Town may very well be ignored by the D.E.C. The Town of Riverhead engaged a law firm several months ago. They have reviewed the files and they

are ready to serve papers in court the moment the D.E.C. makes it's decision."

George Schmelzer: "Well the D.E.C. is a little dictator no matter how much your backed up they want you to back up more.

Now the Farm Bureau beat them, if you are familiar with that suit on notification."

Supervisor Janoski: "I think that the Town of Riverhead will defeat them too, should they make a decision not in keeping with the position that we've taken."

George Schmelzer: "Yea, well, now you've got a good chance to revise that old motion."

Supervisor Janoski: "I remember the Board has heard your position and I would ask them to consider whether they would like to alter the position that the Town has taken. Not this very moment, but in our discussions in the future."

George Schmelzer: "It's been cussed and discussed at length. Cussed and discussed at length this problem has. All you need is three members of the Board, not five. Ok. Thank you."

Supervisor Janoski: "Thank you George."

George Schmelzer: "I'm glad you are slowly coming around. Thank you."

Alice Graff, Riverhead: "I'm wondering how much money we are going to expend in the feasibility study for the creation of Peconic County."

Supervisor Janoski: "The resolution is the request of the NYS Legislature to conduct the feasibility study and of course to pay for it."

Alice Graff: "Then they are going to pay for it out of our tax money."

Supervisor Janoski: "Well that's where they get most of their money."

Alice Graff: "Foolish thing. Thank you."

Janine Hine, Riverhead: "I have a question. I learned something yesterday that maybe you could just clear up for me. I had gone to Mr. Tuccio's Office in Riverhead and gotten some real estate proposals and I had taken some pictures and things and presented them to Mrs. Moore. Mr. Tuccio had mentioned to me that a man named Dan Reeb, who works for OMD or is it OMR ---is it the Council that puts the homes up other than Catholic Charities?"

Vic Prusinowski: "Yes."

Janine Hine: "Dan Reeb. Well, he's in Riverhead. He was responsible for putting up some of these group homes and he was given certain criteria that he had to follow. That was the ones that he has done for him, Mr. Tuccio. They were within one mile and it could only be within one mile of one another. If there was a home that was closer than the one mile then there were problems and they were kicked out."

Supervisor Janoski: "One of the things that we have asked the Town Attorney to do is to correspond with Catholic Charities to get from them in writing a response to our request of the forty day period to start again. Also to ask them for their criteria. We are in fact sending that information that you supplied us with this letter so that they will know that we are involved in trying to identify alternate locations, that one place I wouldn't mind having myself, was very nice and it appears that there is a great deal of property around it. It might be better suited. We would have to look at the neighborhood."

Janine Hine: "I understand that there are probably other homes available. We went all out because we thought we had a time element involved. We were afraid that they would say that we were two weeks too late or whatever. I did bring some pictures too, from Mrs. Moore if she wanted of other homes I had seen. But whether or not they will be for them or is-----"

Supervisor Janoski: "That is indeed the kind of assistance that we need, because we are not really in the real estate business and the difficulty in identifying alternate locations is exactly that, finding them. So we have asked for their criteria and asked for a direct response as to whether they will accede. The state organization has said very clearly, if it's okay with Catholic Charities, then it's okay with them and they can start the forty days again. We can go through the process which is not a guarantee of anything, it just allows us to attempt to find alternate locations as far as the saturation. I don't know if we can make that case at all. As far as finding another location we can certainly work it out."

Janine Hine: "Mr. Tuccio said that in the homes that he has taken care of, they've had to go through some type of a clearing house where they are all listed. They have to go through that step first before they can go further. I don't understand in a way, why Catholic Charities, why everyone else has had that obstacle except them."

Supervisor Janoski: "In discussing this with many people we are trying to find out what exactly happened. I was informed that this actually took place in August of last year, the first offering of the house. That it was closed on, I believe, November of last year. Contracted, oh yes, I'm sorry. I always use the wrong word contracted."



Janine Hine: "So they are in contract now?"

Supervisor Janoski: "Yes. So this has been going on for some time. I also talked with the attorney for the home seller and I can't tell you exactly what I had to say to him, but I think you can imagine."

Supervisor Janoski: "So in other words the result of the meeting two weeks ago is that we were going to pursue it and have a judge make the decision. Has that been initiated?"

Supervisor Janoski: "That's what we are trying to do, is to get from Catholic Charities in writing, their denial or acceptance of the start of the forty days. Once they do that then we will have to make a decision as to whether to take legal action to bring that about."

Clearly what has happened and what is record here is that the forty day period took place and it wasn't until the 39th day that anyone in the neighborhood was approached by Catholic Charities. That seems a little difficult for us to understand and to accept. And to have the forty day period go by is certainly not a hardship. We are not trying to overturn directly the siting, but what we are trying to do is to have that time and that process which can allow us to find an alternate location, if that's the direction that we are going to take."

Janine Hine: "Then my final question is. We need the forty days to present them another alternative."

Supervisor Janoski: "I think so. We are going through that process. Beside yourself, someone else has offered to try to help identify properties. But that isn't exactly the help that we need. We are not aware of what may be available or what might be for sale."

Janine Hine: "If they will not give us the forty days, then our alternative site thoughts are not valid."

Supervisor Janoski: "Then the Board makes a decision as to whether to take legal action to get that forty days. I don't know if that will be successful."

Janine Hine: "It just seemed to me, that night, that they were still willing to accept the forty days, I mean, the alternate site whether or not the forty days was going to be accepted or not. That's the way I understood it. But, I must have understood that. Thank you."

Supervisor Janoski: "Thank you. Let the record show that the hour of 8:02 P.M. has arrived. The Clerk will read the notice of public hearing."

PUBLIC HEARING - 7:55 p.m.

I have affidavits of publishing and posting for a public hearing to be held at Riverhead Town Hall on Tuesday, May 1st., 1990 at 7:55 P.M. to hear all interested persons who wish to be heard regarding **The Demolition of Unsafe Building** owned by Augusto De Michiel, located at North Country Road, Wading River.

**Supervisor Janoski:** "This public hearing is concerning the building in Wading River which was formerly known as the Greenbrier and then became the Brittany Restaurant. The present owner has owned it for a period of time probably exceeding three years. During that period of time the building has deteriorated into a condition which we believe to be unsafe. While the owner of the property has made certain overtures and application to work himself through the review process as far as getting a building permit. It has been a stop and start, start and stop procedurē. The Town Board has been patient with this structure and has now started this position, this procedure, which leaves three alternatives. One is for the owner to receive building permits and in fact repair the building. Two to demolish the building. Three for the Town to demolish the building and place the cost as a tax against the property and it would become a lien against the property. Is there anyone present representing Mr. Augusto DeMichiel? Is there anyone present who wishes to address the Town Board? Cathy."

**Cathy Casey, Wading River:** "The Civic Association joins your quandary here. As some of you may or may not be aware, we had Mr. DeMichiel and Associates at a Civic Association Meeting last Wednesday night. They agreed to present some plans by Friday morning. Correct me if I'm wrong, I understand that they did bring some paperwork to you. As a result of him doing this, it was agreed by the members of the Civic Association, that if he so did bring the paperwork, that we would encourage you to try and get this building made into a restaurant. However, in talking to Rick Hanley today, I understand that there is some information on some of the paperwork that he sent that was not clearly, and I'll emphasize the word clearly, explained to us at our meeting. At this point, I would have to say that based on the fact that he did do what he agreed to do, that obviously we would like to see the restaurant. However, I understand that there are a great many things still open, in that he has not submitted to you people, with regard, the Building Department, Planning Department, etc. At this point, I would like to know, presuming that you have seen what plans he has submitted or aware of them. What is your feeling with regards to it after you have seen these papers?"

**Supervisor Janoski:** "I have not actually seen them, but I have asked about them. What is disturbing is we seem to be starting on the same road again. I will give you examples. Mr. DeMichiel has been at this for three years. What he has started is preliminary site plan review. Now this is even before making a formal application. What he shows is excavation in the rear of the building and a retaining wall. We were there years ago and

made the same request. You can't just show a retaining wall, you've got to get into the actual structural definition, how it's going to be done. There is also a need, or there was a need, for a variance for parking. This is related to a place in parking, that is something that was done and then no one showed up to the meeting. My opinion is that we continue with this process and certainly give him ivory opportunity to do what we all would like him to do, which is to make a restaurant out of this place in accordance with the rules and regulations. We in the course of the history of this, had to stop him from working, because he was in there demolishing and splicing beams which you cannot do in a commercial facility. The original site plan had parking shown on the rear of the building which was on a hill like that. I called the architect and said what are you doing here? He said, "I never visited the site." I did it from a tax map or from the survey. - So this is the kind of thing. You've got a complete list of back and forth which was three pages long, as I recall. I think the Board has got to follow through on this procedure so that we are in a position to take the action if Mr. DeMichiel fails to follow through. Because, where he is at right now, he was at years ago. The same questions that we had years ago and the questions that we have today and the further information that we need today are those very same questions. Now the first question that I asked was; "Does he have the same professional, same architect?" Indeed, he does! So what are we doing?"

Cathy Casey: "Not from the beginning."

Supervisor Janoski: "Not from the very beginning but when we were at this point before, it's the same guy. These are the same questions. So we will see what happens but the Board has been patient. The community has been patient. We have to put ourselves in the position that we can make the decision, should he fail to follow through to remove that structure from Wading River."

Cathy Casey: "From this point on this evening, how long does this process, in other words this is step number one towards the hazardous and dangerous, etc. What is the next step? What is the length of time usually associated to something such as this?"

Supervisor Janoski: "After this hearing, the Town Board could take action at any time, after this hearing."

Cathy Casey: "Action meaning?"

Supervisor Janoski: "We could go ahead with the demolition. I believe that since he has made an attempt that we will watch very carefully to see what happens and we will be reasonable. We will make the request for the additional information and be reasonable about it coming in. But should he falter and start to do the same kinds of things as before, this Board is then in the position to make the decision and we end the saga."

Cathy Casey: "I don't think the community would have any qualms with that in that you are going to give him a little more rope and hope that he will come back in a positive manner."

Supervisor Janoski: "It's in the best interest of the community that he do restore, repair or renovate and open a business there. That's what we would prefer to see done."

Cathy Casey: "One other question. John and I happened to be at the building today and with the site plan which he has presented, he has shown as he indicated to us at our meeting, parking only on the side of the building. On either side. I believe something like twenty parking places he indicated."

On the right side of the building between his building and the post office there are cesspools. Are you allowed to put a parking facility on cesspools?"

Supervisor Janoski: "I can't answer that question. It would be a Health Department jurisdiction. As far as I know, I'm not aware of any restriction against putting a parking lot over a cesspool, but the owner would have to know, should it need pumping or servicing, they would have to dig it up."

Councilman Lombardi: "They are pretty old Joe. There are two of them there that look like they are falling through right now."

Cathy Casey: "That's what I was going to ask. How old are they? Therefore would it make any sense for him to put the parking facilities there?"

John Lombardi: "Plus in the back of the building you only have about 15 feet and then you are going into the hill. How can you get any vehicles back there? You've got a lot of problems, Joe."

Supervisor Janoski: "That's the excavation. He's got to do a job, not as extensive, but like the Wading River Fire Department. He's got to take away that hill and put in a retaining wall. Which he has shown. But we don't know how he is going to do it unless we are asking him to show us the engineering work."

Cathy Casey: "Presuming he doesn't plan on putting parking in back of the building, he will still need room, will he not, in order to put his garbage disposal unit or his garbage refuse and for the garbage truck to get back there. Won't he? Is a garbage truck allowed to back in through a parking facility to the back. In other words, what I'm saying, he may need enough room to go all around the building, he feasibly-----"

Councilman Lombardi: "If you have a good driver."

Supervisor Janoski: "I don't know if he gets to go all away around, but that's taken into consideration as far as-----"

Councilman Stark: "If he is a good backer upper."

Cathy Casey: "And a beeper. At this point we thank you and yes, we would like to see the restaurant, but I think the community agrees also, if he continues to drag his feet and doesn't come back to you with the proper information in a reasonable fashion and time, then I don't think the community-----"

Councilman Lombardi: "Are we going to give him length of time, Joe? Because this has been going on, how many years?"

Supervisor Janoski: "Three years, at least. Seems like it's longer really."

Councilman Lombardi: "This guy has not cooperated one bit as far as I'm concerned. If he doesn't do anything, I think we should do something about it."

Supervisor Janoski: "We'll talk about that. Cathy, thank you. Jessie."

Jessie Tomlinson, Wading River: "I attended that Civic Association Meeting that Cathy referred to. I think that they left out a few things the Board should know and I think should be on the record. One of the problems that Mr. DeMichiel has, is he is receiving advice from an individual who doesn't understand what Mr. DeMichiel has to do. I really don't know his last name and he's got an attorney. He is what appeared to most of us to be the hindrance to solving this problem, because he thinks he can come into the Town of Riverhead and do whatever he pleases and he doesn't have to deal with any boards for example, he is not here tonight. He made a statement which I think you should know about. He said that Mr. DeMichiel was asked to pay \$2000.00 or \$2,500.00 for parking spaces in the public parking lot and that he was offended by this proposal. Therefore he told Mr. DeMichiel that it really wasn't legal for the Town to do this and therefore he should really be rather difficult. From the impression that we received. He should be sent a letter from the Town Attorney, perhaps, to Mr. DeMichiel certified mail telling him that certain things have to be done by certain times. We had no indication, at least I didn't that night, that they have any intention of following the minimum type of requirements that we have in the Town and this advisor of his thought the whole thing was a joke."

Supervisor Janoski: "Well I have met the advisor that you speak of and I can't remember his name either. The \$2000.00 fee is one that is properly part of the Riverhead Town Code in which if you apply for a reduction of variance on parking requirement, then we ask you to contribute to municipal parking in that fashion through paying this fee. Yes, Mr. DeMichiel, himself, is rather difficult. He, himself, believes that he can do just about anything he wants and really does not want to go through the process of procedure. Doesn't understand fire code, building

code. As I say, when he went in there and started to gut that building and started splice beams, well you can't do that in a public assembly building. We had to stop him from doing that. It's like a constant struggle. I think the community has abided long enough and that's why we started this process. He'll be given every reasonable opportunity to follow through and to get a building permit. I hope that he does. George."

George Schmelzer: "Maybe the poor guy is broke. Is he using it now?"

Supervisor Janoski: "No."

George Schmelzer: "Maybe he is broke. How about converting it to affordable housing? Wading River needs affordable housing anyway. It's all in Riverhead here. We've got this \$400,000.00 mooch that was spoken of a few meetings back. It wouldn't take much to put that place in shape for affordable housing. There's no more parking argument. It was just a suggestion."

Supervisor Janoski: "Thank you George."

George Schmelzer: "The people from Wading River need some affordable housing even if you only start off with one."

Supervisor Janoski: "I'm not aware of any homeless people in Wading River."

George Schmelzer: "I guess they got all chased out, didn't they? Alright, thank you."

Councilman Prusinowski: "You can buy it and entertain it as a community center."

George Schmelzer: "We can't have all these people overloaded in this school district. Wading River-Shoreham, now that's a rich district."

Supervisor Janoski: "For the time being."

George Schmelzer: "Twelve, fourteen thousand per student."

Councilman Prusinowski: "Wait until that plant closes down."

George Schmelzer: "They would have spent more if they could have done it. Thank you."

Supervisor Janoski: "Thank you George."

Nick DiPirro, Wading River: "Good evening ladies and gentlemen. I somehow have to agree with George. What would happen to this site if this building was torn down, which I happen to be anti-tear-down of the old Greenbrier Restaurant. What is unsafe

about this building now that was not unsafe when it was Greenbrier before the Brittany. Is the roof leaking?"

Supervisor Janoski: "Yes. The place has become very deteriorated. Windows are busted. Years have gone by and it has deteriorated to a horrible condition. The sides, the building itself, the grounds are unkept. There's a garbage dumpster dumped over, broken glass around. It was really allowed to just -----"

Nick DiPirro: "Do we have a litter ordinance in the Town?"

Supervisor Janoski: "We sure do."

Nick DiPirro: "Do we enforce that ordinance?"

Supervisor Janoski: "I believe that when I saw the dumpster I asked that be done. But this is even more strenuous then that."

Nick DiPirro: "We also have a litter, a whole bunch of people who go around the Town. I don't actually belong to it. I'm not an official member, but I do pick up litter whenever I do see it around the roads of Wading River."

Supervisor Janoski: "I can only say this. I can understand your reaction to what we are doing here tonight. But you have not lived with this person for the years that I have. You have not gone back and forth with him or had him do to you the things that he has done to this government, to the people that represent it. The Building Department, the Planning Department, everybody he's had to work with. It's almost become a joke, if wasn't so sad. So that in my mind, I do not feel any sympathy for this man who has been given every opportunity. We have bent over backwards to try to work with him. Now we have a condition in Wading River which is absolutely unacceptable. This Town Board means business as you can see right now. If you want his telephone number, and you'd like to call him and urge him to get his building permit, I'd be happy to provide that to you."

Nick DiPirro: "Well I also was at the Civic Association Meeting last Wednesday and I was there the same evening when you paid your dues and I would like to see you at the meetings. Maybe we can get a better rapport going, like last week when Mr. DeMichiel was there explaining his plight. Maybe I'm a bleeding heart. Maybe this man doesn't like to go in front of the public and express himself. Or maybe he has several different reasons. I think maybe the Town should, you say it's been bending over backwards to get him to beautify this building or get it into a restaurant. I think it should be a restaurant. It should be there as a building. If it's torn down, it's going to turn into an overgrown piece of waste. Who will buy that area. I think it's something that should be maintained or brought up to specifications. When it was a Greenbrier and when it was a Brittany, we did not have perhaps as stringent requirements for parking as we do now."

**Councilman Prusinowski:** "Sir the only thing that I know about the applicant is that he is in the restaurant business in western Suffolk. He owns The Frog and The Peach. I was in the bar business, restaurant business too and you have to comply with certain regulations from NYS Health Department, if you have a liquor license. The fact is that this man is in the business. He knows that it is a regulated business and you have to comply. From what I've seen of the file, he just does not want to follow the application process in Riverhead. Even if he wanted to get a liquor license to open that restaurant up, there are certain things that you have to supply to the liquor authority. You could not open the restaurant because the Health Department is going to come into that facility and make him put, probably, \$100,000.00 worth of improvements to his kitchen. Because the last time I was in there he would never pass a Health Department inspection today. I guarantee you that he would spend at least \$100,000.00, just from the Health Department. If he is going to open a restaurant with ancillary system, the floor, stainless steel and I can go down the line. He's aware that there are certain things that he has to follow and if he is serious about opening up a restaurant then fine. If he comes to you and says, listen, financially right now I just don't have the money, the restaurant business is slow, I cannot do it. I don't know if he said that or not. You were at the meeting, if he said that. If he is coming in there with a lot of excuses and I don't want to do this or whatever and I'm offended by the \$2,500.00. The \$2,500.00 for the parking variance is the least of his problems. Because when the Health Department comes in there and tells him to put a quarry tile floor and his kitchen is going to cost him \$8,000.00. Then he's got no choice. So I think that he should either make a decision, put the property up for sale, renovate the building, like I think it would be a beautiful thing to renovate, bring it back and add to the character of Wading River. Like the guy said on WFAM, it's time to snap out of it and let's get going on this thing. He's into business already, if he's was not in a restaurant business and he is coming before us and saying, I don't understand how this thing works, then I would have a little sympathy for him. He knows he is in a regulated business. Start right from the bottom; forget the site plan."

**Nick DiPirro:** "Either one of those two or make it into affordable housing and there are homeless people in Wading River. I've seen them."

**Councilman Lombardi:** "Nick, he came in here 3 1/2 years ago and I met him in the Building Department with his architect. He showed me plans at that time. I said good luck, they look beautiful. Three days later, he put a sign in the window that the Town Board was giving him a hard time which we have never, as far as I know, gave the man a hard time. I think the Town was trying to cooperate with him. He was dragging his feet. Now, February 16th, I checked with Brenda Filmanski to find out if this gentlemen ever submitted his site plan. On February 16th, the architect said he mailed them. Now he could have them to Italy and



back three times, because the plan never arrived until last Friday. This guy has been giving us the run around. I'm the first one to cooperate and to sit down and talk to anyone. This man has been a problem. I think the Town Board wants to help him to clean this up. The container, like Joe said, we had to get him to clean that up three times. You know I was in the garbage business and I'm going to tell you something. When these places are empty, I don't think a garbage container should be left at these places, because people do come and dump garbage in them. They should be taken away when the store is empty. I think that's what the Town Board has to start looking at (inaudible)."

**Nick DiPirro:** "I think a fine should be levied against that container, if it is there every month, a hundred dollar fine or something like that. Maybe he will understand that."

**Councilman Lombardi:** "I think the Town Board wants to cooperate. I think the people in Wading River want it done. I was there today with Cathy and we were looking at some other problems. Inside the windows are all broken. We asked him to close up the windows because we don't want anyone to get hurt. The inside is stripped completely. We want to get him to go. I don't want him to take too long. If he is going to fool around with it, then we have got to do something. If he is going to drag his feet, then the Town has to do something."

**Nick DiPirro:** "Okay I just wanted to express my opinion about the litter law being enforced. I know that garbage has been there for a long time and it's probably gotten a lot of people upset. If I had a pickup truck, I would have picked it up myself."

**Councilman Lombardi:** "The container is empty. It's just tipped over. There is a piece of metal there or something."

**Councilman Stark:** "Come down and pick it up anytime you want."

**Nick DiPirro:** "Okay. Thank you."

**George Dalecki, Wading River:** "Do you get the feeling by now that we are a little bit confused? We heard Mr. DeMichiel's version last week saying that the Town is not cooperating with him. Tonight we hear your version of how Mr. DeMichiel is not cooperating with the Town."

**Supervisor Janoski:** "I have to tell you something. I'm not happy with the way you are putting it. If you listen to DeMichiel, you would think that he is the most put upon person in the entire world. This Town government is out to strip him and make sure that he can't do what he wants to do. If that is what you want to listen to, then be my guest. I can tell you that I personally have talked to his architect and the Supervisor of the Town doesn't have to do that kind of work. I've talked to this

man and asked, "How can you do the things that your doing? Well I haven't visited the site. I haven't seen-----." This is the way to build a restaurant in the Town of Riverhead or any other Town. Mr. DeMichiel seems to go out and hire people for as low a price as he can possibly achieve. Well that isn't helpful either. Because if a guy isn't going to come out and look at the property for which he is designing. Then you start off in a hole to begin with. I can tell you my experience which I've gone through with this man. He is difficult, stubborn is the word. He takes advice from whatever this guys name. They believe that they can just ignore building code, fire code. Now, if you don't want us to enforce that. I would be very surprised. I think you want a very safe structure in the Town and I think you want it to be aesthetically pleasing which is part of the process that he must go through. In that whole process which we have very carefully outlined in our code; he absolutely refuses to take part in or to continue to taking part in it. We offered to him, in as far as the parking, the alternative of getting a variance because he does have a municipal parking lot right next door to his property. He made the application and never appeared at the hearing. At the variance hearing. You can take a guy by the hand and guide him, but if he doesn't want to come I don't know what we are going to do."

George Dalecki: "I didn't mean to make any comments that sounded offensive to you."

Supervisor Janoski: "I tried not to say that word. I don't think I did."

George Dalecki: "I'm merely trying to convey the confusion that we are experiencing. We are hearing both sides; probably for the first time."

Supervisor Janoski: "But you were supplied a record from the Planning Department for the period of time that the Planning Department has been in existence. Which is not the entire period of time of this problem. As I say, it was at least three pages of: On this date this was asked for or this was done. That's a pretty conclusive record of how difficult he is to work with."

George Dalecki: "The applicant has also given us examples of how he dealt initially with Mr. DeLuca. Once instance being a drawing showing a bay window which we think would look great in a restaurant. Mr. DeLuca shot it down; saying it extends beyond the projection of the roof eaves or something and he said, fine, we'll change it to a flat window. The people won't like it, but we will make you happy. Subsequently resubmitted it, only to have it rejected again. He made it sound more as if you were throwing roadblocks in his path. On the parking situation I just wanted to clarify, if the people don't know this. It's \$2000.00 per space. He was told a minimum of 15 spaces. So we are talking about \$30,000.00 versus an \$8,000.00 quarry tile floor."

Supervisor Janoski: "It depends on the number of spaces that he is seeking the variance of. How many spaces is he seeking the relief of?"

George Dalecki: "I don't know."

Supervisor Janoski: "It's not the entire number. It's what he needs the variance of. If he needs two less or four less that makes the determination. That was a code that we passed which made perfectly good sense to us. If you are not providing the parking necessary, which is required by the code, then you should be helping to support public parking."

George Dalecki: "I think that's fair. No argument there. Well my point simply is that we're confused and we would rather see a developed, than torn down and anything you can do to get together with the man-----"

Supervisor Janoski: "Well I think that this action certainly got his attention."

George Dalecki: "Yes. Well we don't even know that. He's in Maine right now, I think."

Councilman Lombardi: "Well we were called up here George, from Wading River saying what are we going to do with this building. And that's what we've been working on. The man was supposed to bring a site plan in February 16th and it never got here until Friday. You see he is dragging. I feel he is. I'll be truthful. I have a problem with the guy."

George Dalecki: "One curiosity, I'm a late comer to this whole argument of course, compared to you folks, but have you spoken directly with the man or is it always through a third party."

Councilman Lombardi: "No I spoke to him. As a matter of fact one day he blew his stack at the Building Department and the Town Attorney and the Planning Department and I took him in my office for about an hour and sat down with him. When he walked out he was happy and I thought that we had straightened everything out. A couple of days later it was still a war going on. He's got an Italian temper, I guess. I can say that I'm Italian."

Supervisor Janoski: "Yes, I've spoken to him on the phone and in person, many, many times. Thank you. Steve, do you have something to add to these proceedings?"

Steve Haizlip, Calverton: "Let me ask a question. Has this place been closed at least one year?"

Supervisor Janoski: "It's been closed more than one year."

Steve Haizlip: "About 3 years?"

Supervisor Janoski: "At least."

Steve Haizlip: "Well according to NYS Public Law and the Town Code, which NYS Public Law is #262, then he's got no alternative, but to proceed ahead and bring this thing up to snuff as the Health Department and the Town Code, etc. or tear it down and get out."

Supervisor Janoski: "Very succinct and to the point. Mr. Kasporovich."

William Kasporovich, Wading River: "I'm on the east end of Wading River and we're talking about a structure on the west end. Although I drank beer when this place was a tavern and it was usually full with people and lots of cars parked outside and brother Ray Wivchar was behind the bar. This was a community meeting place. No restrictions, no requirements, no what have you. It seems that when Mr. Wivchar got out from behind the bar, all of a sudden there come difficulties."

Supervisor Janoski: "Not true. It reopened as the Brittany Restaurant and was in operation for a period of time after the Greenbrier closed."

William Kasporovich: "But you didn't make him upgrade the place when it changed hands. Now when you talk about a gentleman and problems in the Building Department and the Town Attorney and the Councilmen and the way you are talking, I somehow feel that you could fit the name of Kasporovich in there. Because you say the same thing about the person standing here at the microphone."

Supervisor Janoski: "I don't ever remember saying it."

William Kasporovich: "Now I'm talking of the knowledge of this structure for four decades. It seems that the offense is aesthetic. Nothing was said, is the man delinquent in his tax payment. Nothing is said the difficulty of the residents and the adjoining neighbors vandalizing the place, destroying the place. This place did not come to the shape that it's in by the man's own act. This was greatly contributed to the people and their children that live there and the neighbors. There is nothing in the gospel that says this has to be a restaurant. This is a structure. It happens to be a hollowed out structure. You complain about a dumpster laying on it's side. After the man puts out a large dumpster and neighbors fill it up and then he empties it out and puts a small one in there and the neighbors knocked it over. But the broken windows are not his doing. So we don't stand here with clean hands and throw rocks at this man because we have been throwing rocks in his windows. Now if you want to force the man to seal the building so that entry cannot be gained for safety sake, fine. But as far as taking action on telling a man what to do with his structure, I think it is out of

order. It's his structure. There's nothing unsafe about it other than allowing access for vandals or mischievous children to get inside. If you close it, your dealing with nothing unsafe. But it seem that nobody in here has the guts to stand up in here and say it's aesthetically unsafe. We all see it when we go to the post office. The people that drive by it all live in \$100,000.00 or better houses. So this is offensive to them."

Councilman Stark: "I've got enough guts to say that it's aesthetically offensive. I've got enough guts to say that the man doesn't have any self pride in his own property. I think it's about time that the people in the Wading River area deserve somebody to be proud of their properties. I think he has let the place go down the drain."

William Kasporovich: "With the help of the kids and the people that live there."

Councilman Stark: "With the help of himself."

William Kasporovich: "I don't like your shouting at me when I have the floor either. When you have guts, speak up before the people get up here."

Councilman Stark: "I've got guts."

William Kasporovich: "Not after they say you don't have it."

Councilman Stark: "I've got guts."

William Kasporovich: "If your defending yourself, there comes a question as to whether you have it."

Councilman Stark: "I'll question that too."

William Kasporovich: "Do I have the floor, Mr. Janoski?"

Supervisor Janoski: "Yes you do. If you would, would you bring your comments to a conclusion."

William Kasporovich: "I think this is out of reasonableness. If it's unsafe. Close the structure up. Make it manforced to make it inaccessible to vandals and mischievous children in which case it will become safe. It's his hulk, it's unsightly, but d-- it the h--- you can say that about my house. Because we have different values of aesthetic appearances. If it's unsafe, give the man official notification what the unsafe features are and he has a legal obligation to rectify it."

Supervisor Janoski: "That's exactly what this is all about. Thank you Mr. Kasporovich. Henry."

**Henry Pfeifer, Wading River:** "I believe there is a hamlet study which spells out the type structures, the type business can be conducted in that particular area. I've not fault with the fact that this is mostly a commercial area and I think that it should continue to be so. What I would like to see in that area since it appears that we are likely to lose the post office there shortly. The Greenbrier has gone. Little by little the area is deteriorating, such as the downtown area in Riverhead on Route 25, once was. You took proper steps to do a beautiful job on correcting the downtown area and it is a continuing job. I would like you to visualize doing the same thing for that downtown area in Wading River. Whatever means is necessary, legal, aesthetically, whatever means. We would like to bring it back in to what is appropriate for that area and in the type structure that will bring it into a lively and productive area. Thank you."

**Supervisor Janoski:** "Thank you Henry. Anyone else that has not yet spoken? Alice."

**Alice Graff, Riverhead:** "I have seen this structure and I think it is time for that to go down. Number one, as Vic said, it has such great work to be done for a restaurant. But also it's really close to the road so that that could also be dangerous as far as people leaving the restaurant in a crowd and not seeing the traffic, etc. So I agree with the Town in their demolition. Thank you."

**Supervisor Janoski:** "Thank you Alice. Cathy."

**Cathy Casey, Wading River:** "I would first like to respond to Mr. Kasporvich and tell him as a resident of Wading River that I do find the building aesthetically unpleasing. It is a mess. It is overgrown. There is the dumpster. A lot of your points are well taken. That is not the mans self doing in terms of broken windows, the dumpster being turned on its side, etc. You are absolutely right. It's people, and fair to assume, the youth of Wading River. And unfortunately every town has it's problems with it's youths and we are no exception. That does not mean to excuse it. However, I would also like to remind you that there was a hamlet study done. There was a great deal of time, effort and money spent on the part of both private residents and business representatives of the community. The professional representatives of the company that was hired by the Town of Riverhead and the Town of Riverhead did pay, I believe it was somewhere in the neighborhood of \$100,000.00, for the hamlet study to do for Wading River, which we the community requested. We requested a lot of things that are in this situation or being part of this situation came as a result of our strongly indicating to the Town of Riverhead that we are very concerned about caring for Wading River and taking future care of it and therefore watching its future growth and what happens to it. So in fairness it is not entirely the Town Board just acting for no reason. They are acting for good reason, although we still hope that it can come to be for the restaurant. We would rather not realistically see

the building demolished unnecessarily. I would like you to be fully aware also that your neighbors are very much responsible for the situation by virtual of our verbalizing for a long, long time. Thank you very much."

Supervisor Janoski: "Thank you Cathy. Is there anyone remaining who wishes to address the Board on the matter of the demolition of the unsafe structure of Mr. DeMichiel of Wading River? That being the case and without objection, I declare the hearing to be closed.

**7:55 PUBLIC HEARING CLOSED AT 8:43**

Supervisor Janoski, "Let the record show that the hour of 8:43 P.M. has arrived and the Town Clerk will please read the notice of public hearing."

PUBLIC HEARING - 8:05 p.m.

I have affidavits of publishing and posting for a public hearing to be held in the Riverhead Town Hall on Tuesday, May 1st, 1990 at 8:05 P.M. to hear all interested persons who wish to be heard regarding: **Professional Business Overlay Zone on Residence C zoned parcel on Roanoke Avenue/Peter Danowski.**

Supervisor Janoski: "Peter, are you representing the applicant?"

Peter Danowski, Esq., Riverhead: "Alan has volunteered and said that he would make a comment in support. But I wasn't sure that was a help. I do own this property which is located on Roanoke Avenue. My neighbors to the north are Reg and Pat Underwood. I went right over to speak to them before I started this application. This is the home formerly of Mr. Robert Hogan, who is now deceased. It is a lot that goes from Roanoke Avenue across to Pond View Drive. I started the application about five months ago. It's been referred to the Planning Board. The Planning Board has gone through the SEQRA process and recommended approval. The application asks that we overlay the Professional Business Zone to allow a doctor's office or lawyer's office in conjunction with existing zoning. What this would allow to happen is a much greater improvement be made to the premises and the area. A similar application was approved by last years Town Board for a client of mine Dr. Pizzarello. Wherein we filed and had approved after a public hearing a Professional Business Overlay in conjunction with the existing zoning. It's a short distance away on a corner of a street farther to the north. What happens on Roanoke Avenue is that we have many doctors who work at the hospitals. Who many times have to respond to emergencies. Who are interested in opening up an office and perhaps using part of the residential structure as part of their medical office if they have to come during the evening hours and they can, rather than running back home, they can stay a couple of hours at the residence and then respond back to the hospital. So

I've had one doctor already speak to me about purchasing the property and I've had another lawyer speak to me about it. This is something I've also recommended to the Town Board overall in considering office space in the Town that we try to encourage the remodeling or renovation of older homes. I've begun some repairs to the site, there was no downstairs bathroom and I put a bathroom on. When I did that I noticed the underboard clapboard siding which I think might be more attractive for somebody who might want to sink some more money into it and take off the asbestos siding. We've had Howie Young do some sketches to prove that we could more than comply with parking even for an additional structure on site. I don't want to take up all the time of everyone here. I've had one phone call, when I went through my messages from Shirley Sinclair. I tried to reach her today and was unsuccessful. She was a little bit concerned about traffic. She wanted to know if I owned the back lot which is part of the same parcel and I do. So there's the ability during site plan review of the Town to direct me on how to access traffic."

Supervisor Janoski: "Peter, do you think the Town of Riverhead needs another lawyers office?"

Peter Danowski: "You know I seem to get rid of all the lawyers, except one."

Councilman Stark: I got a phone call today and they want to know if you are going to use the property that borders Pondview for a exit or entrance into your property?"

Peter Danowski: "The Town Board would direct me to do that. One way or the other. It would be up to a site plan review and you would say, don't use it or use it. That would be a decision that this Board would make. The site plan review process would handle that. What we are now doing is putting a zoning in place to permit the site plan to then go through and you will review that. So the answer to that question is, I would do it either way, but as directed by the Town. Curb cut approval, the curb cut is there and the County would actually be the ones to approve the curb cut on Roanoke Avenue. But, however, if Pond View Drive, if they want that directed like entry only and exit only. That would happen. Or if you prefer not to have it go that way, it would not happen. But I would note that this was discussed with the Planning Board and I know one, Mr. Fairley, lives not that far away. There wasn't any great objection to that lot."

Councilman Stark: "There wasn't any great objection to what?"

Peter Danowski: "To accessing or not accessing is the answer to that question."

Councilman Stark: "But you have to live on that street?"

Peter Danowski: "Right."



Councilman Stark: "But he lives a couple of streets north."

Peter Danowski: "But the traffic flow is the question. I would do it either way."

Councilman Stark: "I happen to live on that street."

Peter Danowski: "I understand that. But of course you could always say right turn only, leaving that too."

Councilman Lombardi: "I would rather leave----- We have an easement with you Pete or with Mr. Hogan."

Peter Danowski: "I think what you have John is you spill your water on my property."

Councilman Lombardi: "Yes, that's what we have. I would like to continue that way because it saves us a lot of problems. So I would like to continue to keep the easement there because then you can take some of our water in the back. I think it would be a great help to the Town and to leave it the way it is."

Supervisor Janoski: "Peter, would you like to sit down or continue this?"

Peter Danowski: "I would like to sit down, but John's right. I'll agree to take the Town's water."

Supervisor Janoski: Is there anyone present wishing to address the Town Board on the matter of the application for PB Overlay? Mr. Haizlip.

Steve Haizlip: "As far as Mr. Danowski's legal profession and legal expertise to the law, I don't question it. The only thing that confuses me is that I don't understand what PB and Overlay mean. I would like that cleared up. What does it mean?"

Supervisor Janoski: "PB stands for Professional Business. Overlay means that it would be a zoning that would be put on top of the existing zoning, which I believe is Residence C."

Steve Haizlip: "Oh ok. They are stacked up. Thank you."

Supervisor Janoski: "Is there anyone else present wishing to address the Town Board? That being the case and without further objection, I declare the hearing to be closed. The hour is now 8:50 P.M. We are going to recess until the hour of 9:05 P.M."

8:05 PUBLIC HEARING CLOSED AT 8:50

TOWN BOARD RECESSED AT 8:50

TOWN BOARD RECONVENED AT 9:09

Supervisor Janoski: "The meeting will return to order. The hour is now 9:09 P.M. Before we take up the resolutions, is there anyone who has any comment, question or any statement at all on anything at all? Steve."

Steve Haizlip: "When Mr. Schmelzer was up here talking, it reminded me of the latest Supreme Court Decision. Where in Missouri, I think it was in St. Louis, where now the Justice has taken on the burden of telling the school boards that they have to raise taxes to take care of surrogation. This is out of their bounds. That is up to the legislative body, like the Town Board or County, etc. The real issue is that he was speaking about the DEC. They have their own judge, probably lawyers, etc. In short, it has come down as far as NYS is concerned with their DEC that they are not communist control of this yet. They are communist dominated. I think it's unfair and I think it's a rough deal to try to beat them and that's why George is always hounding you and haunting you about it. For you to take them on. But they are pretty rough to take on when they've got their own judge and their own lawyers. Well they become a KGB, gestapo and you do what I say and that's it. I swear and pray that you make some headway with this here land site, that we don't get hit with their gestapo and KGB tactics and their own judge, but at \$450,000.00. Thank you."

Supervisor Janoski: "Thank you. Is there anyone else wishing to address the Board? Yes, Joe."

Joe Sykora, Riverhead: "I would like to know what we can do with the traffic circle down by the hospital? It's getting awful down there on Thursday, Friday and Saturday. If you are going down Roanoke Avenue and you want to go across Route 58, you have some job trying to get across Route 58. I would like to know if we can do something about it. It really is getting awful. Thank you."

Supervisor Janoski: "Thank you."

Councilman Prusinowski: "The last time I mentioned something about the traffic circle about three years ago, I got my head handed to me because I said something like, someday the traffic circle will be addressed when somebody's trying to get to the hospital in an emergency vehicle and dies on the way. Then something will be done. The fact is that engineers came to the Town of Riverhead. They recommended that the traffic circle be removed. The legislator at the time would not take a stand on it and said that although it's a county facility, let the Town Board of the Town of Riverhead decide. There is a division of opinion in the Town about the beautification of the circle. It's a landmark. And about traffic safety. The County engineers have the solution, it's a matter of someone in government saying remove the circle. Now you can put lights on the circle, but they don't know if it's going to work. You have to synchronize the lights all the way. If you synchronize the lights like they do in

Huntington, in Smithtown, because I drive Route 25 in Western Suffolk, for my job, it can be solved. But right now the traffic circle is there and I don't hear anybody in this Town saying remove the traffic circle."

Joe Sykora, Riverhead: "Well I would like to see something done about it because it really is getting awful."

Councilman Prusinowski: "I said at one time; I was in the hall and people said: "Oh, you don't want to beautify Riverhead."

Joe Sykora: "If we go to work and put up another mall on Route 58, you can imagine what that traffic is going to be."

Councilman Prusinowski: "I would suggest speaking to Mike Caracciolo. I'd write him a letter saying that you stood here tonight and said that the problem should be looked into. I know what the engineers are going to say because the County Engineers already came to the Town a few times with their solution."

Joe Sykora: "Mr. Caracciolo and I do not get along."

Supervisor Janoski: "Is there anyone else wishing to address the Board? That being the case then we will take up the resolutions. It occurs to me that there was another public hearing supposedly scheduled for this evening which was on the Splish Splash and it was the hearing concerning the DEIS-----"

Town Clerk, Irene Pendzick, "That's May 15th."

Supervisor Janoski: "I know but it was improperly done. Is anyone present-----"

Steve Haizlip: "It's not in the (inaudible)."

Supervisor Janoski: "I understand that. But it was noticed. Is there anyone present wishing to address the Board on it."

Steve Haizlip: "Yes, I would."

Supervisor Janoski: "Well the hearing is going to be on the 15th Steve. I just wanted make sure that anybody who was here on that, would be aware that the hearing is going to be on the 15th of May. The next Town Board meeting. Thank you."

Resolutions #272-#296 found on pages of the  
1990 Resolution Book.

#296 IMPLORES NEW YORK STATE LEGISLATURE TO AMEND ENVIRONMENT  
CONSERVATION LAW SECTION 27-0701

Councilwoman Civiletti, "This pertains to Mr. Schmelzer's Department of Environmental Catastrophe and what they are doing with regard to the Riverhead Town Stop Facility. Because the

Town of Riverhead is in the same position with regard to this facility and the landfill that many other landowners in the Town of Riverhead are in. After giving the Town a \$10,000.00 grant to purchase this facility, or promising to give the Town a \$10,000.00 grant to purchase this facility, where people can bring their household hazardous waste on any given day so that they don't go in the landfill. After so called processing the Town's application for about a year, and after writing to the Town and saying that the permit was approved, the Department of Environmental Catastrophe last week, notified the Town that they are not going to issue this permit. Citing a provision of law that I don't believe really applies. So what we are doing with this resolution is asking the State Legislature to specifically exempt these household hazardous waste storage facilities from the application and it is this provision that the DEC is relying on to require the Town essentially to continue to landfill hazardous waste in an unlined landfill that the DEC says is in a deepflow recharge area. I can't figure it out and I don't think anybody can. I prepared this resolution to try to get the State Legislature to do something about it. But it probably won't go anywhere either. So moved.

Seconded by Councilman Lombardi;

Supervisor Janoski: "It is moved and seconded.

Councilman Prusinowski: "I think it is time our State Legislators start raising h--- with the Department of Environmental Conservation. They have a lunacy policy of enforcement and I think the local government is getting sick and tired of it. And the fact is that they cannot even balance their budget. They put on all the mandates and we're facing a financial disaster. I really don't see any of them taking anything seriously. I think the Regional Office of the DEC should be shaken up too."

Councilman Stark, "I commend Denise for the work she's made on this resolution and wholeheartedly support her and the resolution. Yes."

The Vote: Prusinowski, yes; Stark, yes; Civiletti, yes; Lombardi, yes; Janoski, yes.

There being no further business on motion or vote, the meeting adjourned at 9:35 p.m.

IJP:CH



Irene J. Pendzick  
Town Clerk